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JFW #

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,868	04/16/2004	Stefano Turchetta	02901/100M869-US1

07278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257



**CONFIRMATION NO. 9826**  
**FORMALITIES LETTER**



\*OC000000013101418\*

Date Mailed: 06/29/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1); See Figure(s) 1-3, 7-9.

The applicant needs to satisfy supplemental fees problems indicated below.

09/29/2004	ZJUHAR1	00000005 10826868	\$ 770.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
01	FC:1001		130.00				
02	FC:1051		90.00				
03	FC:1202		1118.00				
04 FC:1201							

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1208** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2108** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1208**
  - \$1118 for 13 independent claims over 3.
  - \$90 for 5 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*WJ*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



Express Mail Label No.

Dated: \_\_\_\_\_

Docket No.: 02901/100M869-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stefano Turchetta et al.

Application No.: 10/826,868

Confirmation No.: 9826

Filed: April 16, 2004

Art Unit: N/A

For: POLYMORPHOUS FORMS OF  
ROSIGLITAZONE MALEATE

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed June 29, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), Formal Drawings (12 figures, 12 pages), a Claim for Priority (35 USC 119) and Submission of Documents including translation of priority document, Petition for Extension of Time and Part 2 Copy of Notice.

Our check in the amount of \$2,218.00 covering the fee set forth in 37 CFR 1.16(e) and the filing fee for the subject application is enclosed. The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: September 24, 2004

Respectfully submitted,

By *Marie Gogoris* 44085  
Adda C. Gogoris  
Registration No.: 29,714  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicant



Application No. (if known): 10/826,868

Attorney Docket No.: 02901/100M869-US1

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV367698091 - US, in an envelope addressed to:

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MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 24, 2004  
Date

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notice to File Missing Parts of Application (2 pages)  
Fee Transmittal (1 page)  
Combined Declaration and Power of Attorney (4 pages)  
Submission of Formal Drawings (1 page)  
Formal Drawings (12 figures, 12 pages)  
Part 2 Copy of Notice (2 pages)  
Claim for Priority and Submission of Document including translation of priority document (2 pages)  
Petition for Extension of Time (1 page)  
Check No. 6224 in the amount of \$2,218.00



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)
 **2,218.00**
**Complete if Known**

Application Number	10/826,868-Conf. #9826
Filing Date	April 16, 2004
First Named Inventor	Stefano Turchetta
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	02901/100M869-US1

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number **04-0100**

Deposit Account Name **Darby & Darby P.C.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity** **Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	130.00
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
<b>SUBTOTAL (1)</b>	<b>(\$)</b>	<b>770.00</b>		<b>SUBTOTAL (3)</b>	<b>(\$)</b>
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	<b>(\$)</b>
240.00					

\*\* or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Adda C. Gogotsis	Registration No. (Attorney/Agent)	29,714	Telephone (212) 527-7727
Signature			44085	Date September 24, 2004

Express Mail Label No.

Dated: \_\_\_\_\_



Express Mail Label No.

Dated: \_\_\_\_\_

Docket No.: 02901/100M869-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stefano Turchetta et al.

Application No.: 10/826,868

Confirmation Number: 9826

Filed: April 16, 2004

Art Unit: N/A

For: POLYMORPHOUS FORMS OF  
ROSIGLITAZONE MALEATE

Examiner: Not Yet Assigned

**SUBMISSION OF FORMAL DRAWINGS**

MS PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (twelve sheets, twelve figures) of formal drawings for filing in the above-identified patent application. Kindly substitute the enclosed formal drawings for the informal drawings submitted with the originally filed application.

Dated: September 24, 2004

Respectfully submitted,

By *Adda C. Gogoris*  
Adda C. Gogoris

Registration No.: 29,714  
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